

EXHIBIT “E”

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND)
COMPOUNDING PHARMACY, INC.) MDL No. 2419
PRODUCTS LIABILITY LITIGATION) Dkt. No. 1:13-md-2419-RWZ
_____)

This Document Relates to:)

Suits Naming Saint Thomas Outpatient)
Neurosurgical Center, LLC)
_____)

**SAINT THOMAS OUTPATIENT NEUROSURGICAL CENTER, LLC'S FIRST
SUPPLEMENTAL RESPONSES TO THE PLAINTIFFS' STEERING COMMITTEE'S
FIRST SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Local Rules for the District of Massachusetts, Saint Thomas Outpatient Neurosurgical Center, LLC ("STOPNC"), by and through undersigned counsel, provides the following First Supplemental Responses to the Plaintiffs' Steering Committee's First Set of Interrogatories.

GLOBAL OBJECTION

STOPNC has already responded to numerous discovery requests in the state court cases of *Reed v. STOPNC, et al.*, Case No. 13C417, *May v. STOPNC, et al.*, Case No. 13C606, *Parman v. STOPNC, et al.*, Case No. 13C1005, and *Neely v. STOPNC, et al.*, Case No. 13C1876, all formerly pending in the Fifth Circuit Court for Davidson County, Tennessee. The majority of the Interrogatories herein are virtually identical in almost all respects to the discovery served in those state court cases. Thus, as a general objection, STOPNC objects to responding to this discovery for a second time. Since the Plaintiffs already have this information, the duplicative Interrogatories are unreasonably cumulative, duplicative, and the information sought can be obtained from some other source that is more convenient, less burdensome, and less expensive. FRCP 26(b)(2)(C)(i). Additionally, STOPNC adopts and incorporates, as if stated fully herein, any and all objections asserted in response to the same discovery requests in the state court actions.

Without waiving any objection, STOPNC has answered each duplicate Interrogatory by reference to the state court discovery responses and responded to the handful of "new" discovery requests. Now, STOPNC supplements its responses consistent with meet and confers held on November 10 and 21, 2014.

INTERROGATORIES

25. Please explain how Saint Thomas Neurosurgical charged patients and/or their insurers for epidural steroid injections in 2012. Specifically, list the rate that Saint Thomas Neurosurgical charged the following payors for epidural steroid injections:

- a) Medicare;
- b) BlueCross BlueShield of Tennessee;
- c) United Healthcare;
- d) Tricare;
- e) Aetna;
- f) CIGNA;
- g) Humana;
- h) TennCare;
- i) uninsured patients; and
- j) patients paying out of pocket toward a deductible.

RESPONSE:

Objection. STOPNC already responded to this Interrogatory in the state court litigation.

Subject to and without waiving said objections, STOPNC has already provided Plaintiffs' counsel with copies of billing records for the Plaintiffs' procedures at STOPNC, which reflect the rate charged to the Plaintiffs and their insurers. The rates STOPNC charged other insurers are not relevant to the claims forming the basis of the Plaintiffs' Complaints.

SUPPLEMENTAL RESPONSE:

STOPNC agreed to supplement this response by (1) confirming the charge to each insurer for each epidural steroid injection is the same and (2) producing a screenshot of a representative submission to an insurer for payment for an epidural steroid injection.

STOPNC charges all insurers and patients the same base rate for epidural steroid injections. STOPNC's reimbursement varies based on STOPNC's contract with each insurer. Attached as Exhibit is a screenshot of the form submitted to insurers for payment for epidural steroid injection, with non-plaintiff information redacted.

Respectfully submitted,

GIDEON, COOPER & ESSARY, PLC

/s/ Chris J. Tardio

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Defendants***

* Admitted pursuant to MDL Order No. 1.

** Admitted *pro hac vice*.

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of November, 2014, a true and accurate copy of the foregoing was served on the PSC by hand-delivery and on the other parties below by U.S. Mail on December 1, 2014:

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/s/ Chris J. Tardio
Chris J. Tardio

EXHIBIT

**Screenshot of Form Submitted to
Insurers by STOPNC for Epidural
Steroid Injection Procedures
(with non-plaintiff patient information redacted)**

This coversheet was created by Gideon, Cooper & Essary, PLLC to assist in document organization.

Tick#	107490 U	788	cjh015	REDACTED	Total:	1034.00
02/13/14	166-OUTPT	NEUROS	HAMPF MD		STHOP	NEUROSURG
-LINE DETAIL-						
021314-021314	62311	-	-INJECTION S	722.10	-DISPLCMNT	YYY 1.00 1034.00
021314-021314		-	-ADDITIONAL	724.4	-THORACIC O	YYY 0.00 0.00
	PROC	PERFO	304	ESI	LUM/SAC	